



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/595,745

05/09/2006

Bruno Bret

20147 - 434 PCT

5863

31743 7590 01/16/2009

PATENT GROUP GA030-43
GEORGIA-PACIFIC LLC
133 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1847

EXAMINER

AL-AWADI, DANAH

ART UNIT

PAPER NUMBER

4121

MAIL DATE

DELIVERY MODE

01/16/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/595,745	Applicant(s) BRET ET AL.	
	Examiner DANAH AL-AWADI	Art Unit 4121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 10595745.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4 pages/ 05/09/2006</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 15-29 are pending.

Application claims priority to PCT/FR2004/002877 and FR Application No. 03 13344.

These documents were not considered because English language versions were not provided.

Information Disclosure Statement

An information Disclosure Statement filed 09 May 2006 is acknowledged and has been reviewed. The only document considered was the foreign document number GB1103040 because it was provided in English language.

Drawings

The drawings were received on 09 May 2006. These drawings are acceptable.

Claim Rejections- 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 15-22, 24, and 26-29 are rejected under 35 U.S.C.103(a) as being unpatentable over Bret et al. (US Patent 6146648).

Bret et al. U.S. Patent 6146648 (hereafter '648 patent) teaches a composition that comprises a waxy ester and a fatty alcohol on a fibrous material for use in contacting skin. The purpose of the composition is to make the fibrous material softer. Regarding the fatty acid ester of claim 15 in the instant application, Claim 4 of '648 patent states that the composition comprises one or more fatty alcohols which have 6 to 24 carbon atoms. Claim 4 further states a waxy ester of 6 to 24 carbon atoms. With respect to the specific range of carbon atoms stated, chapter 2144.05 of MPEP states "In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists. With respect to the range of the amount of product per surface area, chapter 2144.05 states "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."

With regards to the melting temperature of claim 16 of the instant application, Claim 1 of '648 patent states that the composition melts at least 5°C, and therefore the composition also melts at a range from 20°C to 37°C.

Claim 17 of the instant application calls for a composition of at least 40% being selected from solvents, fatty acid esters, fatty alcohols, or mineral oils. Claim 8 (i) of '648 patent teaches that the composition comprises from 0 to 50% of wax or mineral oil.

Claims 18 and 19 of the instant application discuss dodecylic esters. Claim 4 of '648 patent teaches a waxy ester of 6 to 24 carbon atoms. With respect to the specific

Art Unit: 4121

range of carbon atoms stated, chapter 2144.05 of MPEP states "In the case where the claimed ranges "overlap or lie inside ranges disclosed by the prior art" a prima facie case of obviousness exists." A dodecylic ester is a 12 carbon ester. Furthermore, Paragraph 83 of the brief summary '648 patent teaches lauric acid which is dodecanoic acid. With respect to the percentage, claim 20 part (b) of '648 patent teaches a composition from 5 to 99% wt of an aqueous emollient compound of which is comprised of at least one waxy ester. Furthermore, claim 8 of '648 patent teaches a composition which comprises from 1 to 50% of waxy esters. Dodecylic acid is a waxy ester. With respect to the percentages in the instant claims 17 and 18, chapter 2144.05 of MPEP states that "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."

Claim 20 of the instant application states the agent is distributed substantially on the surface of the product. Paragraph 1 of the brief summary of '648 patent states that "the lotion is applied or impregnated onto at least on surface..." Impregnated onto is understood to be applied substantial to the surface.

With respect to the range of the amount of product per surface area of claims 21 and 22 of the instant application, chapter 2144.05 of the MPEP states "Where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation."

With regards to the distribution of the agent in strips parallel to each other in claim 24 of the instant application, Paragraph 131 of the brief description of '648 patent discloses a method of depositing lotion in the form of strips.

Claim 26 of the instant application states the agent is distributed over a top surface and a bottom surface of said product. Paragraph 25 of the detailed description of '648 patent states that an object of the invention is to provide a paper product which has at least one surface that is coated with an agent, of which is lotion. Therefore, distributing the agent over the top surface and bottom surface is at least one surface.

Claim 27 of the instant application states that the fibrous material comprises absorbent paper. Claim 20 of '648 patent teaches absorbent paper product. Absorbent paper is fibrous material.

Claims 28 and 29 of the instant application discuss that the fibrous material comprises absorbent cotton or a bonded web of natural, artificial, or synthetic textile fibers. Claim 20 of '648 patent teaches absorbent paper, and absorbent paper is made up of natural, artificial, or synthetic textile fibers. Cotton or cotton in mixture with artificial or synthetic fibers is an obvious version of absorbent paper. The abstract of '648 patent teaches that the composition is used in treating absorbent paper products of which include according to Paragraph 2 of the brief summary, paper products paper products such as handkerchiefs, toilet paper, or any other paper products for wiping the skin. Furthermore, Paragraph 1 of the brief summary of '648 patent teaches that the paper product can include a sheet of wadding cotton or tissue paper. Paragraph 27 of the brief summary of '648 patent teaches an absorbent paper sheet made up of mostly paper fibers and of synthetic fibers or any other equivalent paper product.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6146648 as applied to claims 15-22, 24, and 26-29 above, and further in view of US patent 6270878.

Claims 23 -26 of the instant application discuss distribution patterns of the agent. US patent 6270878 (hereafter '878 patent) discloses that it is advantageous to have a wipe that has a discontinuous distribution pattern. Paragraph 9 of the brief summary of '878 patent teaches that a continuous pattern of emulsion has been found to not provide the most efficacious cleaning of human skin. It is known in the art that distribution is normally done in a continuous fashion. Furthermore, if strips are parallel, it is therefore understood to also be distributed in a discontinuous manner. In regards to claim 26 of the instant application, distribution over a top surface and a bottom surface is also an obvious variant of discontinuous distribution.

The teachings of '648 patent doesn't disclose distribution patterns, however the '878 patent discloses known distribution patterns of emollient, and the claimed distribution patterns of the instant application are obvious variants and do not add patentable weight. It would have been prima facie obvious to combine the teachings of '878 patent with the teachings of '648 patent because '878 patent teaches a composition distribution having the advantage of more efficacious cleaning of human skin.

Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6146648 as applied to claims 15-22, 24, and 26-29 above, and further in view of US patent 3965518.

U.S. Patent 3965518 (hereafter '518 patent) discloses the advantage of the continuous application. Paragraph 6 and 7 the brief summary of '518 patent discloses an advantage of continuous distribution in that it provides an even application of product.

The teachings of '648 patent doesn't disclose distribution patterns, however the patent '518 patent discloses known distribution patterns of emollient, and the claimed distribution patterns of the instant application are obvious variants and do not add patentable weight. It would have been prima facie obvious to combine the teachings of '518 patent with the teachings of '648 patent because '518 patent teaches a composition distribution having the advantage of more having the advantage of a more even application of product.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA AL-AWADI whose telephone number is (571)270-7668. The examiner can normally be reached on Mon-Fri 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on (571)272-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 4121

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DA

/Patrick J. Nolan/
Supervisory Patent Examiner, Art Unit 4121